

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ CANNABIS DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Rules for Administration of the Compassionate Use of Medical Cannabis Pilot Program (68 IAC 1290; 38 Ill Reg 17531), effective 12/29/14, outlining its scoring system for evaluating dispensary organization applications for medical cannabis dispensary licenses. A companion emergency rulemaking, effective 8/8/14, appeared in the *Illinois Register* at 38 Ill Reg 17798. The rulemaking establishes the number of points that each applicant will receive for each category of information supplied on the application: suitability of dispensary, 150 points; business and operation plan, 200 points; security plan, 200 points; recordkeeping and inventory,

200 points; financial disclosure, 150 points; bonus, 100 points. Also, the Department clarified that for purposes of awarding points for ownership by a minority, female, veteran, or disabled person, it will use the definitions of minority, female and disabled person in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Emergency Rule, page 2 **Peremptory Rule, page 3**

Since 1st Notice, DFPR changed the application scoring system to list number of points per category instead of percentage of total score per category. Dispensing organization participants and investors may be interested in this rulemaking.

Questions/requests for copies: Craig Cellini, 320 W. Washington, 3rd Floor, Springfield IL 62786, 217/785-0813, fax 217/557-4451.

Proposed Rulemakings

■ LOCAL SALES TAX

The DEPARTMENT OF REVENUE proposed amendments to 4 Parts: Special County Retailers' Occupation Tax for Public Safety (86 IAC 670; 39 Ill Reg 647), Special County Service Occupation Tax for Public Safety (86 IAC 680; 39 Ill Reg 651), Non-Home Rule Municipal Retailers' Occupation Tax (86 IAC 693; 39 Ill Reg 655), and Non-Home Rule Municipal Service Occupation Tax (86 IAC 694; 39 Ill Reg 659) implementing Public Act 98-584. The amendments change from April 1 to May 1 the deadline for a county or municipality to adopt a resolution or ordinance imposing, discontinuing or changing the tax rate and to file the ordinance or resolution with DOR (along with certification of referendum approval) in order for the resolution/ordinance to be

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Proposed Rulemakings

(cont. from page 1)

effective on July 1 in the same year. Local governments are affected by this rulemaking.

Questions/requests for copies/comments regarding the 4 DOR rulemakings through 2/23/15: Samuel J. Moore, DOR, Legal Services, 101 W. Jefferson, Springfield IL 62794, 217/782-2844.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to Pay Plan (80 IAC 310; 39 Ill Reg 587) implementing a Public Act, a collective bargaining agreement, and decisions of the Illinois Labor Relations Board and Civil Service Commission. A provision already implemented by emergency rule (see below) excludes the attorney assistant function at the Pollution Control Board from bargaining unit representation. Other proposed provisions assign seasonal highway maintainers in

Kankakee County to a Teamsters bargaining unit; assign a pay grade to the human resources trainee title; remove the title of arbitrator from a list of titles subject to the Personnel Code; add new titles established by the Civil Service Commission and remove obsolete titles abolished by the Commission; and clarify pay rates for shift supervisors at Department of Corrections work camps.

Questions/requests for copies/comments through 2/23/15: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

DRIVER'S LICENSES

The SECRETARY OF STATE proposed amendments to Issuance of Licenses (92 IAC 1030; 39 Ill Reg 663) requiring cited drivers (those who have been requested to re-test) who are involved in a car accident during the driving exam to submit a medical report to the Illinois

Medical Advisory Board. The Board will determine whether the driver is medically fit to drive and may refer the driver to a rehabilitation specialist. The rulemaking also adds Firearm Owner's Identification (FOID) cards and Department of Human Services-issued cards (e.g., Medicaid, Link) to a list of documents that cannot be used as proof of residency for obtaining driver's licenses or instruction permits, including Visa status Temporary Visitor Driver's Licenses and permits.

Questions/requests for copies/comments through 2/23/15: Jennifer Egizii, SOS, 2701 S. Dirksen Parkway, Springfield IL 62723, 217/557-4462.

HFS RULE WITHDRAWAL

The DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES has withdrawn a proposed amendment to Hospital Services (89 IAC 148; 38 Ill Reg 18052) that was published in the 8/29/14 *Illinois Register*. The rulemaking, which was withdrawn in response to a JCAR Objection, would have increased Medicaid Facilitation and Utilization Payments for certain hospitals from 9/1/14 through 6/30/15.

Questions/requests for copies: Jeanette Badrov, HFS, 201 S. Grand Ave. East, 3rd Fl., Springfield IL 62763-0002, 217/782-1233.

Emergency Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted an emergency amendment to Pay Plan (80 IAC 310; 39 Ill Reg 708) effective 12/26/14 for a maximum of 150 days. A companion proposed amendment is included in a rulemaking summarized above (see Proposed Rulemakings). The emergency amendment

implements an Illinois Labor Relations Board ruling that excludes the attorney assistant function at the Pollution Control Board from the AFSCME Professional Legal bargaining unit.

Questions/requests for copies: Jason Doggett at the CMS address, phone number and e-mail above.

Peremptory Rule

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted peremptory amendments to Pay Plan (80 IAC 310; 39 Ill Reg 728), effective 12/23/14, implementing a collective bargaining agreement between the Department of Natural Resources and the Conservation

Police Lodge bargaining unit, covering the period 7/1/12 through 6/30/15. The agreement includes general 2% pay increases effective 7/1/13 and 7/1/14; an increase of \$25/month in longevity bonuses for employees with 21 years or more of continuous service; an increase in the annual clothing and equipment allowance; an

additional 25 cents per hour for all time worked between midnight and 6 a.m.; and a \$500 signing bonus for all Conservation Police officers covered by the agreement.

Questions/requests for copies: Jason Doggett at the CMS address, phone number and e-mail on page 2.

Second Notices

No rulemakings were moved to Second Notice this week. Rulemakings that will be considered at the Committee's January 13, 2015 meeting, scheduled for 11 a.m. in Room A-1 of the Stratton Office Building, Springfield, are listed at the JCAR website under the "JCAR Meeting Agenda" link. Other items that have not been listed in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning any rulemaking currently on Second Notice should be sent to JCAR at the address, phone number or Web address on page 1 of The Flinn Report.

Joint Committee on Administrative Rules

Senator Pamela Althoff

Representative Greg Harris

Senator Don Harmon

Representative Lou Lang

Senator Tony Muñoz

Representative David Leitch

Senator Sue Rezin

Representative Don Moffitt

Senator Dale A. Righter

Representative André Thapedi

Senator Ira Silverstein

**Vicki Thomas
Executive Director**